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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): David Kowal, John M. Boushy and Timothy J. Wilmott
APPLICATION NO.: 09/989,929
FILING DATE: November 20, 2001
TITLE: CUSTOMER VALUATION IN A RESOURCE PRICE MANAGER
EXAMINER: Not yet known
GROUP ART UNIT: 2161
ATTY. DKT. NO.: 19538-06497

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: 01/14/03

By: Laura Majerus
Laura A. Majerus, Reg. No.: 33,417

COMMISSIONER FOR PATENTS
WASHINGTON, DC. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO 1449/PTO-8A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☒ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;

- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this

certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

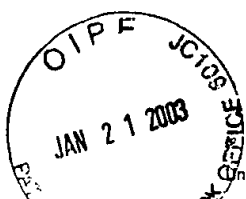
- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. [APPLICATION NUMBER], filed on [FILING DATE], and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
David Kowal, John M. Boushy
and Timothy J. Wilmott

Dated: 01/14/03

By: Laura Majerus
Laura A. Majerus, Reg. No.: 33,417
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (415) 875-2332
Fax.: (650) 938-5200



FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known

| | |
|----------------------|---------------------|
| Application Number | 09/989,929 |
| Filing Date | November 20, 2001 |
| First Named Inventor | David Kowal, et al. |
| Examiner Name | Unknown |
| Art Unit | 2161 |
| Attorney Docket No. | 19538-06497 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☐ Deposit Account:

Deposit Account Number 19-2555

Deposit Account Name Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below
☒ Charge any additional fee(s) required under 37 CFR 1.16 - 1.21 or credit any overpayments to the deposit account.[†]
☐ Charge fee(s) indicated below, except for the filing fee to the deposit account.

A Duplicate Copy of this authorization is attached

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 1001 | 750 | 2001 | 375 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Total Claims | -20** = | X | = |
| Independent Claims | -3** = | X | = |
| Multiple Dependent | | | = |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|----------|----------|----------|----------|---|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 | 42 | **Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
|----------|----------|----------|----------|
| 1051 | 130 | 2051 | 65 |
| 1052 | 50 | 2052 | 25 |
| 1053 | 130 | 1053 | 130 |
| 1812 | 2,520 | 1812 | 2,520 |
| 1804 | 920* | 1804 | 920* |
| 1805 | 1,840* | 1805 | 1,840* |
| 1251 | 110 | 2251 | 55 |
| 1252 | 410 | 2252 | 205 |
| 1253 | 930 | 2253 | 465 |
| 1254 | 1,450 | 2254 | 725 |
| 1255 | 1,970 | 2255 | 985 |
| 1401 | 320 | 2401 | 160 |
| 1402 | 320 | 2402 | 160 |
| 1403 | 280 | 2403 | 140 |
| 1451 | 1,510 | 1451 | 1,510 |
| 1452 | 110 | 2452 | 55 |
| 1453 | 1,300 | 2453 | 650 |
| 1501 | 1,300 | 2501 | 650 |
| 1502 | 470 | 2502 | 235 |
| 1503 | 630 | 2503 | 315 |
| 1460 | 130 | 1460 | 130 |
| 1807 | 50 | 1807 | 50 |
| 1806 | 180 | 1806 | 180 |
| 8021 | 40 | 8021 | 40 |
| 1809 | 750 | 2809 | 375 |
| 1810 | 750 | 2810 | 375 |
| 1801 | 750 | 2801 | 375 |
| 1802 | 900 | 1802 | 900 |

Fee Description Fee Paid

| | |
|--|--|
| Surcharge - late filing fee or oath | |
| Surcharge - late provisional filing fee or cover sheet | |
| Non-English specification | |
| For filing a request for <i>ex parte</i> reexamination | |
| Requesting publication of SIR prior to Examiner action | |
| Requesting publication of SIR after Examiner action | |
| Extension for reply within first month [†] | |
| Extension for reply within second month [†] | |
| Extension for reply within third month [†] | |
| Extension for reply within fourth month [†] | |
| Extension for reply within fifth month [†] | |
| Notice of Appeal | |
| Filing a brief in support of an appeal | |
| Request for oral hearing | |
| Petition to institute a public use proceeding | |
| Petition to revive - unavoidable | |
| Petition to revive - unintentional | |
| Utility issue fee (or reissue) | |
| Design issue fee | |
| Plant issue fee | |
| Petitions to the Commissioner | |
| Processing fee under 37 CFR 1.17(g) | |
| Submission of Information Disclosure Statement | |
| Recording each patent assignment per property (times number of properties) | |
| Filing a submission after final rejection (37 CFR 1.129(a)) | |
| For each additional invention to be examined (37 CFR 1.129(b)) | |
| Request for Continued Examination (RCE) | |
| Request for expedited examination of a design application | |

Other fee (specify) _____

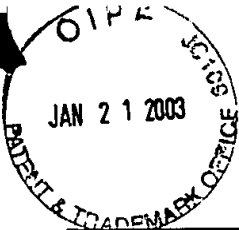
SUBTOTAL (3) (\$0)

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

| | | | | | |
|-------------------|------------------|-----------------------------------|----------|--------------------------|--------------------------|
| Name (Print/Type) | Laura A. Majerus | Registration No. (Attorney/Agent) | 33,417 | Complete (if applicable) | Telephone (415) 875-2332 |
| Signature | Laura Majerus | Date | 01/14/03 | | |

[†]Request for Extension of Time per 37 CFR 1.136(a)(3) made hereby



2161 #6 BT 01-31-03 +

PTO/SB/21 (modified)
Approved for use through xx/xx/xx, OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

| | | | | |
|--|--|-----------------------|------------------------|-------------|
| 0001/PTO Rev. 10/95 TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i> | U.S. Department of Commerce Patent and Trademark Office | Application Number | 09/989,929 | |
| | | Filing Date | November 20, 2001 | |
| | | First Named Inventor | David Kowal, et al. | |
| | | Group Art Unit Number | 2161 | |
| | | Examiner Name | Unknown | |
| Total Number of Pages in This Submission | | 8 * | Attorney Docket Number | 19538-06497 |

| ENCLOSURES (check all that apply) | |
|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed | <input type="checkbox"/> Issue Fee Transmittal |
| <input checked="" type="checkbox"/> Return Receipt Postcard | <input type="checkbox"/> Letter to Chief Draftsperson |
| <input type="checkbox"/> Response to Notice to File Missing Parts | <input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) [] |
| <input type="checkbox"/> Assignment & Recordation Cover Sheet | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Declaration | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> Certified Copy of Priority Document(s) |
| <input type="checkbox"/> Application Data Sheet | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement & PTO-8A | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Copies of IDS Cited References | <input type="checkbox"/> |
| <input type="checkbox"/> Request for Corrected Filing Receipt | <input type="checkbox"/> |
| <input type="checkbox"/> Request for Correction of Recorded Assignment | <input type="checkbox"/> |
| <input type="checkbox"/> Amendment/Response: [] Page(s) <input type="checkbox"/> After Final | <input type="checkbox"/> |
| <input type="checkbox"/> Status Request | <input type="checkbox"/> |
| <input type="checkbox"/> Revocation and Substitute Power of Attorney | <input type="checkbox"/> |

REMARKS: * references not included in page count

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| SIGNATURE OF ATTORNEY OR AGENT | | |
|--------------------------------|--|-----------------|
| Signature: | <i>Laura Majerus</i> | |
| Attorney/Reg. No.: | Laura A. Majerus, Registration No. 33, 417 | Dated: 01/14/03 |

| CERTIFICATE OF MAILING | | |
|---|----------------------|-----------------|
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| Signature: | <i>Laura Majerus</i> | |
| Typed or Printed Name: | Laura A. Majerus | Dated: 01/14/03 |
| Express Mail Mailing Number (optional): | | |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT****Complete if Known**

| | |
|------------------------|----------------------------|
| Application No. | 09/989,929 |
| Filing Date | November 20, 2001 |
| First Named Inventor | David Kowal, <i>et al.</i> |
| Art Unit | 2161 |
| Examiner Name | Unknown |
| Attorney Docket Number | 19538-06497 |

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Sheet

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of

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U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document No. Number - Kind Code ² (if known) | Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|--------------------|-----------------------|--|--------------------|--|
| | F1 | US-5,722,893 | 03-03-1998 | Hill, <i>et al.</i> |
| | G1 | US-4,910,677 | 0-20-1990 | Remedio, <i>et al.</i> |
| | | US- | | |
| | | US- | | |
| | | US- | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document Country Code ³ - Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T ⁶ |
|--------------------|-----------------------|--|--------------------------------|--|----------------|
| | H1 | JP 404077958A | 03-12-1992 | Nishikawa, Takashi, <i>et al.</i> | |
| | | | | | |
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OTHER REFERENCES - NON-PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ⁶ |
|--------------------|-----------------------|--|----------------|
| | I1 | Musgrave, Gerald L., "Entertainment Industry Economics: A Guide for Financial Analysis," Business Economics, Vol. 33, No. 3, pp. 68-69, July 1998 | |
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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

19538/06497/SF/5091148.1